



January 19, 2007

SENATE BILL No. 83

DIGEST OF SB 83 (Updated January 17, 2007 11:15 am - DI ta)

Citations Affected: IC 4-12.

Synopsis: Review of certain state contracts. Provides that before a state agency may enter into certain contracts or agreements, the state agency must conduct a public hearing and the state budget committee must make a recommendation to the budget agency. Specifies that these requirements apply only to a contract or agreement that is first entered into by a state agency and a private contractor or vendor after June 30, 2007, and under which: (1) the initial term of the contract or agreement plus the term of any possible renewal or extension periods is at least four years; (2) the amount to be paid by the state agency during the initial term and possible renewal or extension periods is, or is estimated to be, at least \$10,000,000; and (3) the private contractor or vendor will provide services that before the effective date of the contract or agreement are provided directly by employees of the state agency. Provides that if services are being provided by a contractor or vendor under such a contract, a state agency may have employees of the state agency directly provide the services only if the state agency conducts a public hearing and the state budget committee makes a recommendation to the budget agency.

Effective: July 1, 2007.

Kenley

January 8, 2007, read first time and referred to Committee on Rules and Legislative Procedure.

January 18, 2007, amended; reassigned to Committee on Tax and Fiscal Policy.

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SB 83—LS 6286/DI 13+



January 19, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 83

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-12-13 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 13. Review of Certain Contracts for Services**

5 **Sec. 1. As used in this chapter, "state agency" has the meaning**
6 **set forth in IC 4-13-1-1(b).**

7 **Sec. 2. (a) This section applies only to a contract or agreement:**

8 **(1) that is first entered into by:**

9 **(A) a state agency; and**

10 **(B) a private contractor or private vendor;**

11 **after June 30, 2007;**

12 **(2) in which the initial term of the contract or agreement plus**
13 **the term of any possible renewal or extension periods is at**
14 **least four (4) years;**

15 **(3) under which the amount to be paid by the state agency**
16 **during the initial term of the contract or agreement plus the**
17 **term of any possible renewal or extension periods:**

SB 83—LS 6286/DI 13+



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(A) is at least ten million dollars (\$10,000,000); or

(B) is estimated by the state agency to be at least ten million dollars (\$10,000,000); and

(4) under which the private contractor or private vendor will provide services that before the effective date of the contract or agreement are provided directly by the employees of the state agency.

(b) In addition to any other requirements that must be satisfied, a state agency may not enter into a contract or an agreement described in subsection (a) unless the following requirements are satisfied:

(1) At least ninety (90) days before entering into the contract or agreement, the state agency must conduct at least one (1) public hearing on the contract or agreement. The state agency must allow public comments and testimony at the public hearing. The public hearing must be held in compliance with IC 5-14-1.5.

(2) At least thirty (30) days before the state agency enters into the contract or agreement, the state budget committee must make a recommendation to the budget agency concerning the contract or agreement.

Sec. 3. (a) In addition to any other requirements that must be satisfied, a state agency may have the employees of the state agency directly provide services that, before the services are provided by the employees of the state agency, are provided by a private contractor or private vendor under a contract or an agreement described in section 2(a) of this chapter only if the following requirements are satisfied:

(1) At least ninety (90) days before the employees of the state agency begin directly providing the services, the state agency must conduct at least one (1) public hearing concerning the provision of the services by the employees of the state agency. The state agency must allow public comments and testimony at the public hearing. The public hearing must be held in compliance with IC 5-14-1.5.

(2) At least thirty (30) days before the employees of the state agency begin directly providing the services, the state budget committee must make a recommendation to the budget agency concerning the contract or agreement.

(b) A state agency is not required to comply with the requirements of subsection (a) if the director or other administrative head of the state agency declares that an emergency

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1 exists that requires the employees of the state agency to directly
2 provide the services that were provided by a private contractor or
3 private vendor.

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SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 83 and that Senator Kenley be substituted therefor.

LONG

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

(Reference is to SB 83 as introduced.)

LONG, Chairperson

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